



Attorney's Office No.: 09531-023001 / Z01015

1616  
#13  
u.m.  
4/3/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel A. Vallera et al.  
Serial No. : 09/910,639  
Filed : July 20, 2001  
Title : **RADIOLABELED IMMUNOTOXINS**

Art/Unit : 1616  
Examiner : D. Jones

**RECEIVED**

APR 02 2003

TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office Action mailed February 24, 2003, Applicants elect the claims of Group III stated in the Office Action to be drawn to a method of screening. In addition, Applicants elect, for initial examination, the toxic domain species diphtheria toxin or a functional fragment thereof (as in claim 20), the target molecule species Her-2/Neu (as in claim 24), and the radionuclide species  $^{64}\text{Cu}$  (as in claims 27 and 29). The election is made without traverse.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/21/03

Stuart Macphail, Ph.D.  
Reg. No. 44,217

Fish & Richardson P.C.  
45 Rockefeller Plaza, Suite 2800  
New York, New York 10111  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291

30140797.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 21, 2003

Date of Deposit

Signature

Gina Maldonado

Typed or Printed Name of Person Signing Certificate